

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA)
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 v.) Criminal No. 2:13-CR-123-2
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 JAHKIM BREWER,)
 Defendant.)

MOTION TO CONTINUE SENTENCING DATE

The United States moves to continue the sentencing date for defendant Jahkim Brewer, currently scheduled for January 5, 2015, for two weeks or more.

The United States asks for this continuance in order for the USMS to have sufficient time to bring witnesses to the sentencing hearing. Unless there is a resolution of issues before the final PSR is issued, the United States will likely wish to call Edwin Biggs as a witness at the sentencing. The undersigned conferred with USMS last night as to the feasibility of transporting federal detainee Biggs to Vermont for this hearing and was advised that was not feasible for Biggs to be transported by January 5. There is also at least one other potential hearing witness currently in the custody of the Bureau of Prisons, Jessica Treanor.

In addition, Biggs has recently received new counsel. Before new counsel was appointed, Biggs moved pro se to withdraw his plea. The United States has opposed that motion and it is still pending. The undersigned understands that new counsel has spent considerable time on and attention to this matter, but is still in the process of providing advice to Biggs.

Granting this motion should not prejudice defendant Brewer. He has pleaded to conspiracy to distribute more than 100 grams of heroin and is therefore facing a sentence of not less than five years. Also (unless the parties resolve issues during the PSR preparation process)

the requested delay should contribute to a more robust presentation of information at sentencing.

In addition, granting this motion may increase the chances that the parties resolve issues before the final PSR issues.

The undersigned emailed counsel for Brewer, Nancy Waples, to see if the defendant would stipulate to the granting of this motion but as of this filing has not heard what the defendant's position is as to the requested continuance.

Dated at Burlington, in the District of Vermont, this 19th day of December, 2014.

Respectfully submitted,

UNITED STATES OF AMERICA

TRISTRAM J. COFFIN
United States Attorney

By: /s/ Michael P. Drescher
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system on December 19, 2014, and the CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

Nancy Waples, Esq.
John Pacht, Esq.

Dated at Burlington, in the District of Vermont, December 19, 2014.

/s/ Michael P. Drescher
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